THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24667 OF 2005

Dt.18.11.2005

Between:

Mohd. Nazeemuddin … Petitioner

And

The Joint Collector, Ranga Reddy District,

And 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is stated that the petitioner is the owner of the lorry bearing No.AP 13V 8976 which is using for transportation of goods on hire basis. When the said vehicle was given for transportation of goods on hire, it was seized in connection with Crime No.82 of 2005 dated 28.9.2005 by the Kandukur P.S., Cyberabad for the offence under Section 7(1) of the Essential Commodities Act, 1955 showing A.Yadagiri, Fare Price Shop dealer, alone as the accused on the ground that the said vehicle found carrying 200 liters of kerosene oil which is meant for Public Distribution System. It is stated that the Mandal Revenue Officer, Kandukur Mandal, Ranga Reddy District filed a report to initiate proceedings under Section 6-A of the said Act. Therefore, the petitioner filed an application before the Joint Collector, Ranga Reddy

District, for release of the said vehicle in his favour pending disposal of the said 6-A proceedings. The said application has not been disposed of so far. It is further stated that whenever vehicle has been seized while transporting any essential commodities, the authorities cannot insist the value of the said vehicle, but they can only insist the value of the seized goods, which are liable for confiscation. It is further stated that the said vehicle is not liable for confiscation.

Having regard to the facts and circumstances of the case, as the application filed by the petitioner is pending before the first respondent, the first respondent is directed to consider and dispose of the said application of the petitioner for interim release of the said vehicle in his favour pending disposal of the proceedings under Section 6-A of the said Act within two weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

18.11.2005

Note: Issue copy by 21.11.2005

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